**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)****Title of Invention****APPARATUS AND METHODS FOR DEPLOYMENT OF VASCULAR PROSTHESES**

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or
- ☒ Application No. 10/637713, filed on August 8, 2003,
- ☐ as amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)Inventor 1 STEVE LANDREVILLEDate: 1/5/04Signature: Citizen of: United StatesInventor 2 BERNARD ANDREASDate: 1/5/04Signature: Citizen of: United StatesInventor 3 PABLO ACOSTADate: 1/5/04Signature: Citizen of: United StatesInventor 4 SUNMI CHEWDate: 1/5/04Signature: Citizen of: United States☐ Additional inventors are being named on additional form(s) attached hereto.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 260049524 v1

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: LANDREVILLE et al.Application No./Patent No.: 10/637,713Filed/Issue Date: 08/08/03Entitled: APPARATUS AND METHODS FOR DEPLOYMENT OF VASCULAR PROSTHESESXTENT, INC.a DELAWARE CORPORATION

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

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☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

1/5/04
Date

B. A. C.
Signature

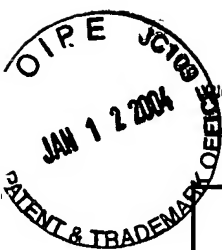
BERNARD ANDREAS

Typed or printed name

ENGINEERING DIRECTOR

Title

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POWER OF ATTORNEY OR AUTHORIZATION OF AGENT	Application Number	10/637,713
	Filing Date	August 8, 2003
	First Named Inventor	LANDREVILLE et al.
	Title	APPARATUS AND METHODS FOR DEPLOYMENT OF VASCULAR PROSTHESIS
	Group Art Unit	Unassigned
	Examiner Name	Unassigned
	Attorney Docket No.	021629-000340US

I hereby appoint:

☒ Practitioners at Customer Number **20350** →

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☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☒ The above-mentioned Customer Number.
OR
☐ Practitioners at Customer Number

<input checked="" type="checkbox"/> Firm or Individual Name	MARK D. BARRISH				
Address					
Address					
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Country					
Telephone		Fax			

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

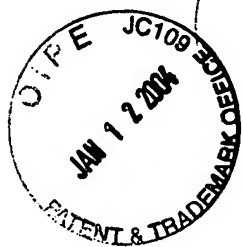
SIGNATURE of Applicant or Assignee of Record	
Name	Bernard Andreas, Engineering Director
Signature	
Date	1/5/04
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.	
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60043547 v1

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TELEPHONE NO.: (703) 308-9723

Group Art Unit: 3731

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I hereby certify that the following document(s) in re Application of LANDREVILLE et al. Application No. 10/637,713, filed August 8, 2003 for APPARATUS AND METHODS FOR DEPLOYMENT OF VASCULAR PROSTHESES is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

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TELEPHONE NO.:

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JODIE M. RIVAS

Document(s) Attached

1. RECORDATION FORM COVER SHEET
2. ASSIGNMENT OF PATENT APPLICATION

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TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, CA 94111-3834
Telephone: 650-326-2400
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To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof

1. Name of conveying party(ies):

Steve Landreville, Bernard Andreas, Pablo Acosta
and Sunmi ChewAdditional name(s) of conveying party(ies) attached? ☒ Yes ☐ No.

3. Nature of conveyance:

☒ Assignment☐ Merger☐ Security Agreement☐ Change of Name☐ Other:Execution Date: January 5, 2004

2. Name and address of receiving party(ies)

Name: Xtent, Inc.

Internal Address:

Street Address: 125 Constitution Drive

City: Menlo Park

State: CA

ZIP: 94063

Additional name(s) and address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No(s): 10/637,713

B. Patent No(s):

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Scott M. Smith, M.D.
TOWNSEND AND TOWNSEND AND CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
(415) 576-0200

6. Total number of applications and patents involved 1

7. Total fee (37 CFR 3.41): -----\$40.00

☐ Enclosed☒ Authorized to be charged to deposit account

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*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*Scott M. Smith, M.D.
Name of Person Signing
Atty. Reg. No. 48,268

Signature

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ASSIGNMENT OF PATENT APPLICATION

JOINT

WHEREAS, STEVE LANDREVILLE of ; BERNARD ANDREAS of 633 California Way, Redwood City, CA 94062; PABLO ACOSTA of 8272 Rinconada Ct., Newark, CA 94062; SUNMI CHEW of 1599 Martin Avenue, San Jose, CA 95126 hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: APPARATUS AND METHODS FOR DEPLOYMENT OF
VASCULAR PROSTHESES

Date(s) of execution of Declaration:

Filing Date: August 8, 2003

Application No.: 10/637713; and

WHEREAS, XTENT, INC., a corporation of the state of Delaware, located at 604-D Fifth Avenue, Redwood City, CA, 94063, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

Assignors hereby authorize and request Townsend and Townsend and Crew LLP, Two Embarcadero Center, 8th Floor, San Francisco, CA 94111-3834, to insert herein above the application number and filing date of said application when known.

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

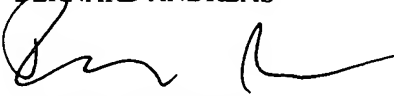
Dated: 1/5/04


STEVE LANDREVILLE

Dated: 1/5/04


BERNARD ANDREAS

Dated: 1/5/04


PABLO ACOSTA

Dated: 1/5/04


SUNMI CHEW